



## Research Article

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# US Military Sexual Assault: How Media, Public Opinion and Interest Groups Affected Congressional Oversight

Debbie Abuelghanam\*

Wisam Hazimeh

Assistant Professor,  
Prince Hussein bin Abdullah II School of Political Science & International Studies,  
The University of Jordan,  
Amman 11942, Jordan  
\*Corresponding Author

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## Abstract

*It has been more than 30 years since the first sexual assault in the US military scandal; thousands of sexual assault survivors as well as numerous legislative regulations have not been able to address effectively the situation. In 2022, the Military Justice Improvement and Increasing Prevention Act (MJIIPA) finally passed. The article addresses what changed to allow the passage of this legislation and if it will be enough to fix the problem. The research questions are: What changed during Congressional Oversight to achieve the passage of MJIIPA? Media, Public Opinion and Interest Groups (IG) have played what role to achieve the changes in Congress? By making the changes to the COC what is to be expected? Will it be enough to address the issue? This article uses the case study method. The results of this examination demonstrate that neither media, public opinion nor interest groups provided the influence expected. It was elite cues and those committed to reforming the system as a continuous process, not an ad hoc procedure that pushed forward the reforms.*

**Keywords:** Sexual Assault, US Military, Military Justice Reform, Congressional Oversight, Chain of Command, Interest Group Advocacy

## 1. Introduction

This paper proposes the following: that a sexual assault scandal in the American Military triggered the media, public opinion and interest groups – which pressured the military and triggered Congressional oversight. Congress had only managed in 30 years to put a bandage on the problem; it became apparent that a shift in perceptions concerning the military COC (Chain of Command) occurred. In the past, the COC has prevented the prosecution of the military's sexual assault offenders as well as ensured that the victim is re-victimized if she or he reports and or decides to prosecute the offender (Estabrook, 2013).

The paper examines the roles of Congressional oversight, its weaknesses, and the media's role in motivating the public to observe the problem. Public opinion based on the media's ability to inform society and interest groups information and pressure to bring about reform within the military COC.

This article only shows there is a relationship between these entities and the changes of public policy dealing with military sexual assault. It will only prove there is an impact.

## 2. Methodology

The case study method was utilized for the research. It employs the policies developed concerning sexual assault in the military to investigate the process of congressional oversight. Looking specifically at what impacts congressional oversight to reform a process of prosecuting sexual assaults in the military. This article follows numerous other studies and seeks answers as to what makes congressional oversight reform succeed.

There is no specific theory in this category. The political principal is that fire alarms (scandals) provide the impetus to reform the COC to provide justice to survivors of sexual assault and provides the framework for this article.

The case study criteria includes reality orientation, creativity, clarity and evidence of thoroughness. The actuality of this study is that sexual assault in the military is an ongoing problem, one of which should be addressed by Senator Gillibrand's MJIIPA. However, this problem has been pervasive within the military since the 1990's and may need more than one piece of legislation to reform the system totally. The creativity addressed in this paper is based on the subject matter. Many papers have been written on the subject but few have addressed it through the perspective of Congressional Oversight, and far fewer articles on media, public opinion and interest groups. The topic is a multifaceted complex issue. The paper attempts to show the relationship between the Congress and the military using this issue and legislation. The material in this paper, as it concerns sexual assault in the military was hindered by collecting information on Congressional oversight hearings, the almost non-existent availability of interest group information as well as a different focus on the subject. However, the thoroughness of the paper is presented to the best of the author's knowledge.

Case study data collection methods is to use many sources. (Yin 2009) The paper has utilized many and varied sources, collected based on the topic at hand. Case studies are to collect direct evidence. (Baskarada 2014) Many of the resources used were legislation, web sites, etc.

The analysis technique most frequently utilized was qualitative data analysis. (Leech and Onwuegbuzie 2007) The analysis was constant comparative approach with the comparison based on theory and how it was utilized in the case study. As well as interpretive policy analysis. "situation-specific, rather than entailing general laws or universal principles. They commonly focus on the language used in policy debates" (Yanow 2007 110). It operates in both practical and academia.

### 2.1 Department of Defense and US Military

On December 16 2022, President Biden signed the NDAA (National Defense Appropriations Act) for FY (Funding Year) 2023 and passed it by Congress in the same week (Shelbourne, 2022). It included the MJIIPA, which has been passed over by the Armed Service Committees in the Senate and the House since 2013. "The measure would all but finish the nearly decade-long process of rewriting critical courts-martial rules," (Donnelly, 2022). Therefore, on July 28 2023 President Biden signed a military justice executive order (Sennett, 2023). However, the signing did not occur before approximately 94,000 reported cases of sexual assault (DOD FY2012, DOD FY2020, and DOD FY2022). More than 1 billion dollars was spent on dealing with the issue of Sexual Assault in the military and 249 legislative provisions passed (PBS, 2021).

Although the Department of Defense (DOD) and the Military are not the focus of this article (except tangentially), a few issues need to be discussed to explain the impetus of the paper. Since the first scandal, Tailhook, until the present, the amount of cases of sexual assault have been ever increasing. In 2010, the number of cases of sexual assault was 3,327. In 2015 it was 6,083, in 2020, 7816 and in2022 it was 8942. The inaccuracy of cases presented by SAPRO do not reflect cases of civilians

that work on bases (32% of all cases reported) nor the 21% of all military spouses' cases (Gillibrand, 2015). The three top reasons that victims did not report their crime were: Didn't think anything would be done (71%), Worried that my peers would treat me differently (56%), Worried that my commander would not believe me (49%)” (IAVA, 2016).

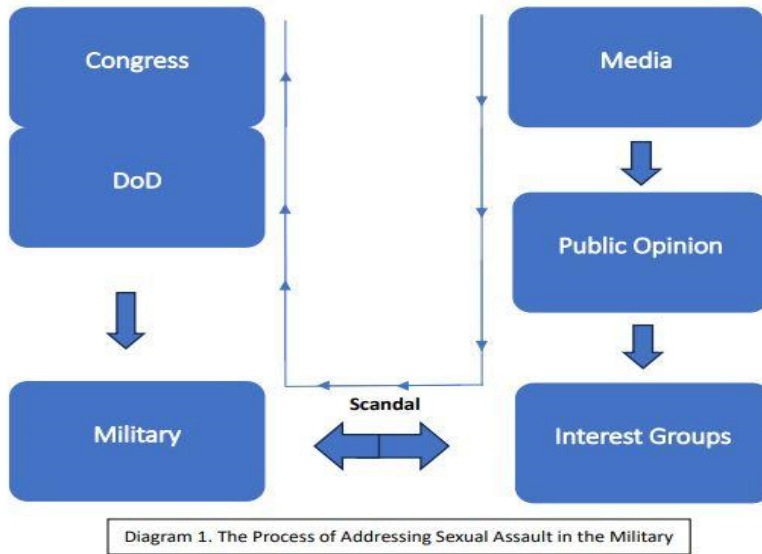
2.2 Sexual Assault Scandals within the US Military 1991-2006

Scandal	Date Scandal Reported	Number of Survivors
Tailhook Scandal	September 1991	83 women/7 men
Aberdeen Proving Ground Scandal Aberdeen MD	1996	11women confirmed/unknown others
Fort Leonard Woods Scandal	1996	2 women
Air Force Academy Scandal	2003	80 women /405 sex harassment
Air Force Basic Training Scandal Lackland TX	2009	43 victims
Marines United Scandal	March 5 2017	At least 20 victims
Fort Benning Scandal	August 23 2017	
Murder of Vanessa Guillen & Fort Hood Scandal	April 2020	93 sexual assault victims/ 130 sexual harassment
Merchant Marines Scandal I	2016	
Merchant Marines Academy Scandal II	2019-2022 (these 2 scandals reported 2023)	26 victims
Coast Guard “Operation Fouled Anchor” Scandal	1998-2006 (covered up until September 2023)	More than 60 victims

Scandals have come and gone. 249 regulation changes were made to reform the DOD (Department of Defense) and the COC tried to address the issue of sexual assault. The last two scandals were reported after the passage of the NDAA FY2023. None of the number of survivors listed include 100% of all survivors due to lack of reporting because of the military environment.

2.3 Framework for Congressional Oversight of Sexual Assault in the Military

With each new scandal, the consequences were the same, and a pattern has developed. The scandal occurs when the media brings it to light. This is followed by condemnation in public opinion, actions taken by interest groups who pressure the US Congressional committees to take action due to their oversight powers. Recommendations are made to the Department of Defense and the military branch where the scandal occurs (which usually were ignored), some reforms, albeit weak, then occur. The reforms never went far enough. It has become a situation of “governance by scandal” (Crosbie and Sass, 2016). There is a lack of follow-up by the US Congress, especially during the earlier scandals, which dissipated over time, where there was military obfuscation of their responsibilities. In general, the media, public opinion and interest groups assisted in inducing oversight and is depicted by the following diagram.



The issue was always the same. Only 30% of survivors reported allegations of sexual assault and less than 5% of reports ended in some kind of conviction (SAPRO Report, 2016 & 2019). The first issue was to explain why the US Congress's attempts to reform the US military failed to address the problem. Followed by those entities that tried to motivate the Congress to address reform.

#### 2.4 Congressional Oversight

*"Quite as important as lawmaking is vigilant oversight of administration."  
Woodrow Wilson, 1885*

The definition of Congressional oversight can be understood by two almost antonymous meanings, one being that it indicates "supervision", and the other that it indicates "failure to notice" either by deliberate or inadvertent negligence (Oleszek, 2010, p. 4). Congressional oversight can be understood as a legislative failure by the executive branch falling into one of these two categories. There are numerous definitions of Congressional oversight but for the purposes of this article, this is the one used.

It is hard to quantify the amount of oversight that the Congress handles because it is conducted in many forums and through numerous activities. These would include "committee meetings on legislation, the confirmation process, casework, informal Member and staff meetings with executive officials, legislative communications with administrative leaders, and so on" (Oleszek, 2010, p.4). Congressional oversight operates through its standing committees in both houses. It is the process of appraisal, supervising, and management of federal programs bureaus, undertakings, and the application of policy (Kaiser, 2006).

#### 2.5 The Critique of Congressional Oversight

Ensuring comprehensive oversight upon all legislation was standard until recent history, when both the Clinton and Bush administrations became lax, or even negligent on their oversight. (Ornstein and Mann, 2006)

"Since Congress has shown little appetite for any serious oversight or for using the power of the

purse or pointed public hearings to call the executive branch to account, executive agencies that once viewed Congress with at least some trepidation now regard it with contempt” (Ornstein and Mann, 2006). It is believed that one of the major reasons that Congress has been derelict in its oversight duties is that they “no longer have a strong institutional identity.” (Ornstein and Mann, 2006) With the nationalization of elections in the 1980s, less days were spent in the capital, which translates into fewer days in session as well as fewer committee meetings. Even when committees hold meetings, attendance has drastically dropped where fundraising duties take members away from Capitol Hill. “During a typical week when Congress is in session, no votes occur before 6:30 pm on Tuesday or after noon on Thursday, leaving little time for extended oversight hearings or other related activities” (Ornstein and Mann, 2006).

Congressional oversight chooses between two strategies - police patrol and fire alarm. The police patrol is the basic oversight function, where Congress evaluates agencies to ensure legislative intent was followed. Whereas the fire alarm tactic utilized is to allow interest groups, citizens as well, information about agencies within the executive branch allowing them to do Congresses’ job evaluating and monitoring. They report to Congress any problems, alerting them of the need to investigate. Fire alarm oversight tends to be more effective as well as ensuring the goals of the legislation more often than police patrol. Those who say oversight is neglected did not look at the alternative of fire alarm (McCubbins and Schwarz, 1984).

An obstacle for Congressional oversight is the number of committees and subcommittees involved in the oversight process and the competition between the President and the Congress for control of the bureaucracy. An extreme example is when Congressional oversight of the Department of Homeland Security began there were 108 committees and subcommittees that had jurisdiction over the process for just one agency (Clinton et al., 2013). At some point the number of committees became overwhelming and affected congressional oversight. The decentralization caused the White House to be more dominant if the number of committees involved are overpowering. Congressional oversight is one of the few tools utilized to check the executive. Additionally, the recommendations by the committees are non-binding. The strongest advantage is that Congress has control over the budgets for all executive branch agencies. (Kriner, 2009).

In 2013, the situation changed for the issue of sexual assault in the military. In that year, there was the McCaskill vs. Gillibrand debate over the issue of reforming the COC or taking sexual assault out of the COC decision-making. McCaskill (who supported leaving the COC in place) won. Furthermore, a group of like-minded women and men in both the Senate and the House led by Senator Kristen Gillibrand and Representative Jackie Speier who continuously tried to reform the military COC. In the end, before the passage of the NDAA FY 2023, 249 pieces of legislation were passed (PBS, 2021).

## 2.6 What Changed within Congressional Oversight

In order to improve the survivor’s capability to achieve a solution through the military justice system the debate goes back further than the last ten years. The debate has involved correcting how the military prosecutes sexual assault cases, even though the militaries’ own statistics “show it is a rampant problem and there are reports that thousands of cases go unreported” (Demirjian, 2021). However, what reforms are required is often debated between the Congress and the military with many issues based on generational and partisan divisions regarding women and minorities and what falls under the jurisdiction of the Pentagon (Demirjian, 2021).

Many believe that the reforms to the military are extreme. Those in the Congress have refused proposals to eliminate commanders from the process. The commanders should be a part of the enforcement of good order and discipline. To reform the COC in order to address the large number of sexual assault victims is going too far (Schlueter & Schenck, 2021). Proponents of maintaining the COC believe that the control “is justified because the commander is responsible for the training, good order, and discipline of service members in the unit.” (Klarr, 2016, p. 113) However, this same control

allows the COC to abuse the system and the victim.

Commanders, not lawyers, make the final decision because signaling to a unit that the commander, not lawyers, are in charge is critical during periods of training as well as combat. The office of Senator Kristen Gillibrand stated in 2015 that inexperience of the Commanding Officer in the legality of serious crimes, in tandem with him being advised by a Staff Judge Advocate who “did not necessarily have the criminal justice experience” required, may have contributed to the mishandling of the situation. The statement indicated that an “independent prosecutor” might have handled the situation differently. (Office of Senator Kristen Gillibrand, 2015).

The fact that Commanders lack the relevant training required to make these legal decisions has been highlighted by advocates who say the system was not built with the victim in mind, and they even claim that the “commanders often hold biases against victims or are in favor of attackers” (Crockett, 2016).

A shift has occurred within the Congress in relation to the “sanctity” of the COC within the military. Even though reforms were implemented, the Congress was not able to get to the heart of the issue because no one was willing to take the power away from the COC so that victims were able to prosecute their attackers (Estabrook, 2013).

Beginning in 2021, there were several strong indications that the perception of the issue was changing in the Congress. In the US Senate, Senator Gillibrand’s Military Justice Improvement and Increasing Prevention Act of 2021 was reintroduced on the floor of the US Senate on April 29, 2021, with 66 bipartisan co-sponsors (several strong conservative Republicans with sway in the Senate Armed Services Committee). Second, President Joe Biden and Defense Secretary Lloyd Austin pledged to make the issue of military sexual assault a major priority (Paradis, 2021). His first directive was to request from the Pentagon “reports detailing their efforts to prevent sexual assault and harassment, as well as what accountability measures have been implemented and an assessment of whether those efforts worked” (Mizell, 2021). The Independent Review Commission on Sexual Assault in the Military’s evaluation presented a 300 page report. The request and the issuance of the report within itself is not unusual, their problem is taking action after the reports. No prior Secretary of Defense has made sexual assault such a high priority, especially at the beginning of a new administration.

On December 16 2022, President Biden signed the NDAA (National Defense Appropriations Act) for FY (Funding Year) 2023 and passed it by Congress in the same week (Shelbourne, 2022). It included the MJIIIPA, which has been passed over by the Armed Service Committees in the Senate and the House since 2013. Therefore, on July 28 2023 President Biden signed a military justice executive order (Sennett, 2023). However, the signing did not occur before approximately 94,000 reported cases of sexual assault (DOD FY2012, DOD FY2020, and DOD FY2022). More than 1 billion dollars was spent on dealing with the issue of Sexual Assault in the military and 249 legislative provisions passed (PBS, 2021).

All reports have shown that the COC has stymied and prevented victims from being able to prosecute their attacker, created an environment where less than 20% of cases are reported, and worse is if the victim does come forward they are harassed and denied promotion. Only time will tell if this will work.

Certain circumstances have changed within the realm of congressional oversight. However, it is believed that at least some of the changes were based on entities outside the Congress – the media, public opinion and interest groups, which are the next three sections of this article.

## 2.7 The Media and Congressional Oversight

The importance of media coverage refers back to the theory of agenda setting. This theory demonstrates which topics are important for their audiences to think about. This is done through location of the article, size of the headline, length of the article and the importance placed on a topic. Indeed, the more coverage a topic is given, the more important it seems for audiences (Bell et al 2017).

Some data seems to denote that the occurrence of coverage affects public perceptions of an issue. The number of articles written about military sexual assault tends to explain the importance of the topic (Bell et al., 2017).

Two other concepts affect agenda setting – second level agenda setting and framing, both of which affect how a media story is understood and the emphasis it is given. The second level agenda setting is where the features of the information provided within the news may affect how we think about the subject (ibid). Media framing is a conceptual tool, which media and individuals depend on to assess and clarify news. (Entman, 2007) “Fully developed frames typically perform four functions: problem definition, causal analysis, moral judgment, and remedy promotion” (Entman, 2007, p. 164).

Furthermore, the wording of each frame can motivate support or opposition to a political discussion. The frame, while providing information is used to evoke emotion – something that comes from the culture. To elicit a cultural reaction to sway the way one looks at a fact or event.

Words that are culturally charged are those that cause an emotional response and have a better chance to affect an increased number of the readership. This is due to “emotional stimuli typically receive more attention from otherwise distracted, apolitical citizens” (Marcus, Neuman, & MacKuen, 2000). The sexual assault scandals that have rocked the US military “have increased many politically inattentive individuals’ exposure to information about select high-profile political issues, primarily those involving scandal” (Baum, 2002, p. 92).

An article dealing with media framing addressing sexual assault in the media from 1990 until 2013 looked at three scandals - Aberdeen, Lackland and the Airforce Academy (Kuhl et al., 2018). Based on the findings of this article several things stood out. The media frames that stood out were human interest (interest in individual victim’s stories) and responsibility (who was responsible for the violence). It was apparent that the media sought someone to blame – leadership in the military training facilities and even the victim themselves. (Blaming the victim is a common response within US society). Furthermore, the number of articles on the subject declined (Kuhl et al., 2018).

A subsequent article in 2017, also covering 1991-2013 about media framing, found that the number of articles would increase in the years that the scandals occurred and was far less after the scandal (Bell et al., 2017). This dissonance between “intense coverage” and sudden lack of coverage may impact the way the audience understands the relevance or the urgency of military sexual assault (Bell et al., 2017, p. 19). The reporting with the articles were seen as vague, not specific about gender of victim or perpetrator. The type of journalistic style was cultural resonance, using vocabulary consistent with perceptions in society. The material within the article was considered ‘buried lead’ with the most important details not within the first three paragraphs. The articles failed to discuss victims, perpetrators, and retaliation, but “framed the stories with an emphasis on military authorities’ policy remedies [and] implied that armed forces commanders had the solution to the problem and that military sexual violence was contained and diminishing” (Bell et al., 2017, p. 23).

The importance of news media is that it affects public opinion. Above we have discussed some of the techniques the media uses to influence what people think about public policy. The public policy is how to address the issue of sexual assault in the military. Please refer back to the diagram back on page (5). The most important things on the media agenda influence public opinion. “Media attention to various political issues or frames matter for public opinion formation” (Djerf-Pierre and Shehata, 2017, p. 2).

Furthermore, public opinion is receptive to the prevailing messages delivered by mass media. The media’s cues assist society in perceiving issues of societal problems. As the important issues move from the media to the public agenda it is the amount of attention paid by the media that matters (Djerf-Pierre and Shehata, 2017; Soroka, 2002; & Mannheim, 2012).

## 2.8 Public Opinion and Congressional Oversight

As Davis mentions in ‘Effective engagement in the public opinion arena’, the military, media, public, and Congress are part of an “information loop” in which elected representatives are influenced by a



combination of military acts, media reports on those acts, and the subsequent public opinion. The Congress then “provides oversight and direction to the military” (Davis, 2004).

However, this loop has had very little effect on the COC from 1991 until 2022. The military’s lack of transparency, covering up the sexual assault statistics and the actual lies to the Congress, bring into question the role of public opinion has. The importance of public opinion is the belief that it can influence Congressional Oversight policy. The question is how that is achieved.

In general, there are three points that Social Science scholars concur. First, public policy is affected by public opinion. Second, the more important the public sees the issue, the relationship between the two will be increased. Third, the domination of parties, interest groups and financial elites intimidates the connection between public opinion and policy (Burnstein, 2003).

More specifically, there is a debate between academics as to whether public opinion influences policy more than or less than previous perceptions. Those who believe it is based on the democratic principle of holding the government accountable. Others that believe that it does have less power or control believe that it is the special interests that have more power (i.e. interest groups) Public opinion does not always influence policy. A citizen who wants their opinion to influence government response will watch the actions of their representatives and vote in the elections accordingly (Burnstein, 2002).

One of the several factors that affects public opinion comes from the media indexing hypothesis. This hypothesis states that the media mirrors elite argument and more so when it comes from powerful elites. Members of society are subjected to elite deliberation principally through the media (Groeling and Baum 2008). Opinion indexing hypothesis adds to the complexity. It indicates that the public rallies behind policies that have bipartisan support, but disband their support to “their fellow partisan elites” if they witness dissent between parties (Baum and Groeling, 2010, p. 2). This demonstrates that the public is encouraged by cross-partisan consistency, a fact that is employed by researchers when “gauging the quality of democratic government” (Erikson, Wright and McIver, 1993 as cited in Burstein, 2007). This is one way of analyzing the amount of public influence. A second way understands how public policy is affected by public opinion, as seen in the information loop earlier mentioned. Burstein suggests that public opinion is a reflection of the effectiveness of “democratic procedures and institutions”, and in turn an influence on public policy (Burstein, 2006, p. 2273). There are many public opinion articles, but public opinion about military sexual assault, the author could find none that could connect the dots. A poll conducted by Pew Research in 2013. 81% of Americans thought that it was a very important issue. Only 40 % of the population thought the issue was a problem due to the military culture – the majority thought it was an individual problem. The opinion as to who was better equipped to fix the problem was almost evenly split between Congress and the military. The majority of the Republicans surveyed thought the military was better equipped and the Democrats thought the reverse. Even though there was little support in the literature of public opinion, both articles on media and military sexual assault and interest groups all alluded to public opinion importance.

Public opinion influences public policy. However, due to media agenda setting, a lack of bipartisanship, the government not working effectively, as well as elite cues (or the lack thereof) the impact to public policy and sexual assault in the US military in particular, may be overestimated.

The elite cues, while limited in nature, are hidden in plain sight. Most elite cues are found within different types of media. These include limited number of newspaper articles in the national papers (*Washington Post*, *New York Times*, and much fewer in the *Atlanta Constitution*, *Chicago Tribune*, *Dallas Morning News*, etc.) They can be found on the DOD website, Senate and Congress members’ websites, and interest group websites. What cues that are available have been focused around new military sexual assault scandals, Congressional hearing on the subject and the yearly passage of the DOD budgets. Therefore, the elite cues are *ad hoc* at best.

The elite reformers, in the early years, were limited to mostly female members of Congressional Oversight Committees, such as Senator Kirsten Gillibrand, Senator Claire McCaskill and Representative Jackie Speier. As the years progressed, along with the increased number of sexual



assault cases in the military and said scandals, the numbers increased. The numbers of interest groups (advocacy groups, which are listed below) either were created because of the issue or other groups that were multipurpose added the topic to their agenda. Early on most advocates were women and from the Democratic Party. Following the debates of 2013 between Senators Gillibrand and McCaskill, more men and members of the Republican Party became involved. Over the years, Senator Gillibrand and Representative Jackie Speier worked hard at cultivating bipartisan support. By 2022, with the passage of MJIIIPA, there were 66 cosigners. These cosigners came from both parties and were both liberals and conservatives. They also picked up cosigners who had been confirmed members who had, supported the COC dealing with the sexual assault cases in the past.

If public opinion has not been effective, then who fills the gap? One possible answer is special interests – interest groups to be more specific.

### 2.9 Interest Groups and Congressional Oversight

There will be a major limitation of the material in this section. Although the list of articles and books is enormous, the amount of theory is very limited. In 1965, there is Olsen's collective action theory where he linked "numbers of participants, public goods, and participatory outcomes" (Hansen et al., 2005, p. 1). Others would state that there is no theory to guide the discussion of interest groups (Hojnacki et al., 2012).

Discussions and definitions about interest groups are based on visible policy associated actions while others by organizational attributes. This makes comparison among organizations difficult (Chalmers et al., 2014). Therefore, what is presented is piecemeal discussion based on different categories of interest groups.

Political scientists have not been able to create just one definition of interest groups. For the purposes of this article, a working definition of an interest group is a group of individuals organized based on shared interests that seeks to influence public policy. National interest groups have three general categories of interest – direct advocacy, mobilizing support and engagement in the legislative and policy process (Harnois-Church, 2019). The author will focus on the third category.

The influence interest groups use to influence public policy are to buy influence, lobby for influence and suing (Spiller and Liao, 2006), buying where the interest group gets the member of Congress to listen to their requests and conceivably act on it. To lobby for influence where they provide information to Congress and agency administrators to affect their decisions concerning a specific policy. Lastly, to sue means to change the decision of the policy from the Congress to the courts to seek a better outcome (Spiller and Liao, 2006).

Interest group influence will fluctuate contingent on the institutions of government they contact (Hojnacki et al., 2012). More specifically, these institutions have a great influence on which interests are pursued or marginalized (Hojnacki et al., 2012, p. 4). This effects how congressional oversight committees give access to interest groups advocating for military survivors of sexual assault.

The amount of interest group influence is commiserate with the amount of resources. Therefore, more resources, more influence, and those resources are not confined to one type, but are "anything" that can influence others (Dahl, 1961, p. 226). The resources include but are not limited to information for either member concerns or other policy makers, expertise on the policy issue and campaign funding (Dur and Bierve, 2007). As long as a member of Congress relies on interest group resources, those resources may be exchanged for influence (Lohmann, 1998).

There can be competition between interest groups for access and influence. If there is more than one interest group vying for influence the member of Congress can play one against the other. Furthermore, influence can depend on whether the issues of the organization are "diffuse or concentrated". Concentrated issue entities are stronger unless the diffuse group can motivate the grassroots membership because there is power in numbers. Diffuse is also disadvantaged in resources available relying on campaign funding more than one with concentrated issues (Dur and Bierve, 2007) (Olsen, 1965).

When it comes to sexual assault in the US military, numerous interests participated in providing information, speaking at public hearings held by both the Senate and House Armed Services Committees' Personnel Subcommittee. Based on information obtained only one interest group testified at both the House and Senate Committee hearings. Actions ranged from speaking at hearings, and support for Senator Gillibrand's MJIIPA legislation. The organizations included the most active Protect Our Defenders (POD), Iraq and Afghanistan Veterans Association (IAVA), Vietnam Vets of America (VVOA), Service Women's Action Network (SWAN), National Women's Law Center (NWLC), and National Taskforce to End Sexual and Domestic Violence against Women. All these were located based on websites, transcripts from public hearing, etc. Others may have participated, but this is what was located.

A dissertation by Harnois-Church in 2019 was the most in-depth article read, where she interviewed interest groups, lobbyists and legislative staff. Those interviewed spent extensive time cultivating relationships with the sexual assault survivors, legislative staff, and stakeholders as well as hands-on with involving the media, especially when issues of importance need media consideration. They focused on legislative staff as well as members of the executive branch, agencies and in particular those within DOD who support survivors.

Connecting survivors with Congress and DOD is very important to personalize the connection, as stories "from the field" help when directly targeting policymakers (Harnois-Church, 2019, p. 60) Some entities have been involved since Tailhook and others with the MJIIPA (previous version of the Gillibrand MJIIPA). All entities network through community forums, blogs, and veterans events. All types of legal challenges aided in their work. Expertise, especially with staff that had had experience with the military justice system lent major credibility (Harnois-Church, 2019).

In the diagram at the beginning of the paper, those that influence Congressional oversight were media, public opinion and interest groups. The importance of the interest groups increases, as the coverage of the media per military sexual assault was limited over time, public opinion while important but interest groups are stronger. They used the media to put pressure on Congress to see issues of importance.

### 3. Conclusion

*This study posed the question of what changed during Congressional oversight to achieve the passage of MJIIPA, finding that several things changed within the Congressional oversight process. First, for 10 years Senator Gillibrand, among others, was consistently behind the topic where usually the process was episodic. Second, Gillibrand was able to build a bipartisan coalition of support over a period of years so that at the end 66 members were part of the coalition. Third, a major roadblock within the Personnel Subcommittee changed. Senator Inhofe retired and Senator Reed had a change of opinion. It had been these two plus their two male counterparts in the House that had prevented the passage of the MJIA and then MJIIPA.*

The research continued to then question if the media, public opinion, and interest groups played a role in achieving changes in Congress. It should be stated from the outset that none of the three either separately or some combination appear to provide enough influence to affect the change within the Congress. The media did not provide the strength expected – over the years the number of articles dwindled. They used human-interest stories and responsibility as the media was looking for someone to blame but not looking at what was wrong with the process. The stories were vague with no gender or names mentioned. They, in general, only addressed the military side of the argument. They alluded to the commanders being the ones that could fix the situation, when in reality they were one of the major causes. The way the issue was addressed, the issue was contained and diminished – yet nothing could be further from the truth – each year cases went up, retaliation of victims increased and the Congressional reforms made very limited impact on the problem.

The influence of public opinion was more limited than expected, which was in line with the Burstein article in 2006. The media influence on this issue was muted. The media is to be the engine

behind the public opinion. While support for public opinion on this issue was severely limited, information on interest groups and elite cues were more prevalent. What seems to be true that elite cues – from both members of the military and members of Congress, i.e. Senator Kirsten Gillibrand, influenced what impact there was on public opinion.

Interest group information on their influence was limited to interest group websites and congressional hearings transcripts. It was apparent that while there were actions taken, it was not as influential as assumed at the beginning of the article. The interest group information, lobbying, networking and public speaking are discussed in Harnois-Church in 2019. However, this is only one academic article and there is a need to have other studies to either support or contradict this article.

The article continued to pose the question of what would be expected by making changes to the COC. Since the NDAA FY2023 will create an entirely new system, it will take a period to see the reforms come to fruition. The power to decide who will be prosecuted for the crime of sexual assault, harassment and most other criminal offenses has been taken out of the hands of the COC. Instead, it will be placed in those, trained, experienced prosecutors with the belief that the following will occur – there will be more belief in the process, so more survivors will report more. The survivor will not be re-victimized nor retaliated against for reporting the crime. The perpetrator, especially those who are of higher rank than the survivor will be prosecuted more often and not given a pass.

The research finally questions if these efforts will be enough to address the issue. In reality only time will tell. Furthermore, it is not possible for the new system to be worse – the trained prosecutors, by taking the issue out of the COC's control, should encourage reporting, reduce the re-victimization and retaliation and ensure a process will not be as biased as the previous one. It is a given that Senator Gillibrand and Representative Speiers and all the other countless supporters of the new plan will watch the new system carefully and evaluate and adjust the process where necessary.

As far as the implementation of MJIIPA, the Congress gave the military too much time to deal with the matter. It is believed that the military will be resistant, given their previous history. Therefore, monitoring of the implementation should be strong. In order to accomplish this oversight, additional staff should either from the Congressional subcommittees or maybe at the DOD because in many cases they are the middleman between the Congress and the military. Yearly evaluations should be conducted until full implementation has occurred. In addition, the new special counsels should undergo rigorous training and periodically be surveyed concerning their perspective since they are the ones most involved with the implementation of the reforms.

The recommendations for further research are numerous. First, more work needs to be done in relations to sexual assault in the military in relation to public opinion and interest groups. In order to get to the root of the matter surveys/interviews would enlighten this area. Second, within the area of Congressional oversight a more in depth study of the committees involved might be able to give more depth to the issue, previous legislation and the dynamics within the committees, which influenced this issue. Third, as the reforms to the military take place, to monitor carefully for any problems that arise.

Given the scope of the paper, three other players need to be investigated on a political level about the issue: The DOD, and tangentially because the department is a member of the President's cabinet, the White House as well as the US Military. Focus should be placed on the ability of the military to avoid accountability and responsibility for their complicity in escalating the issue.

### 3.1 Addendum

The focus of this paper has one of a political nature. Since 2013 until the passage of MIIPA and afterwards, Senator Gillibrand and her network of political allies have only been able to do what was politically practicable. Politically, the Congressional oversight has tried to hold the military accountable and responsible for the issue of sexual assault. Generally, until the passage of this legislation, they have failed miserably. Now, with the new law, the reforms attempt to bring justice to the military concerning sexual assault. There are two major obstacles perceived; the lack of political

will on the part of the Congress. It is assumed that any will believe that the issue has been dealt with and not move further on the issue unless another scandal appears. Given the military's record of accomplishment another scandal is just around the corner.. The military will continue to avoid accountability and try to slow the process at all costs. The reforms were not well received by the military.

There is, through reform, the legal nature to address the military justice system. It is unclear exactly all the possible challenges that could arise. However, the reforms have created "An insular criminal justice system that works within the military, operated by military members, will always be less than what service members deserve regarding fair trial rights, independence, and impartiality". (VanLandingham 2024) While the new legislation professionalizes the system by taking 11 crimes related to sexual assault out of the COC, the rest of those military crimes remain in the COC. This creates a more complex system, where the counsel is separate from the COC but still a member of the military. However, the judges were left within the new system. Moreover, the military was given a long space of time to create a system where the time is not necessary. (VanLandingham 2022)

Taking into consideration that it took approximately 10 years to achieve the legislation, its passage has relieved the political pressure within the Congress. There are still issues that should be addressed. The range of crimes not included in MJIIPA should be placed within the new system. The two-track system will depend on the degree to which there is independence for new trial counsel. There has already been a glitch where a special trial counsel for the Army was fired by the Secretary of the Army. (VanLandingham)

The legislation will change the way criminal prosecution is done within the military system, but does not change either the Congress or the Military. As problem areas are smoothed out, the question remains whether there is still any political will in the Congress and how much the military will push back against the reforms.

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